



PATENT
Customer No. 22,852
Attorney Docket No. 01142.0101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Mark PAUSCH <i>et al.</i>)	Group Art Unit: 1647
)	
Application No.: 09/786,056)	Examiner: S. Wegert
)	
International Filing Date: September 1, 1999)	
)	Confirmation No. 6857
For: ENHANCED FUNCTIONAL)	
EXPRESSION OF G PROTEIN-)	
COUPLED RECEPTORS)	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Office action mailed July 24, 2009, Applicants submit the following remarks. In view of the concurrently filed petition for a five month extension of time and fee, this Response is due by Monday, January 25, 2010, and is timely filed.

A restriction requirement is imposed in the Office action under 35 U.S.C. §§ 121 and 372. According to the Office:

Since the *Decision on Petition* granted 2 May 2006, applicant has amended the pending claims and added new claims, such that the new claims and newly-amended claims are different from those petitioned and subsequently granted. The new claim set comprises severally patentably distinct inventions. Therefore, the following restriction is required.

Office action, page 2. Respectfully, the Examiner's assertion that imposing, once again, a restriction requirement that has already been reversed on review because the claims are allegedly different in a way that somehow warrants the restriction is erroneous.